THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION No.2955 of 2007

Date: 05.03.2007

Between:

M/s. Sandhya Cine Enterprises.

....Petitioner

And

The Asst. Engineer and another.

....Respondents

THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION No.2955 of 2007

O R D E R:

The petitioner was a consumer in respect of Service Connection No.F1-5985. It is said to have been disconnected about 15 years ago. Respondents issued a letter, dated 09.02.2007, informing the petitioner that a sum of Rs.60,787/- is due in respect of that connection. It was pointed out that in case, the said amount is not paid within seven days, the other connection that stands in the name of the petitioner would be disconnected. The petitioner challenges the same.

Heard the learned counsel for the petitioner and the learned counsel for the respondent.

The notice is silent as to the period, to which the amount relates to, and the nature of arrears i.e. whether the amount represents the dues of consumption charges, interest etc. The respondents are under obligation to follow the provisions of the Electricity Act and the Rules made thereunder. Even for recovery of arrears, limitation as well as procedure is prescribed. Issuance of notice

straight away, without indicating the period as well as the break up of the figures, cannot be sustained in law.

On this short ground, the Writ Petition is allowed, and the impugned letter is set aside. It is, however, made clear that it shall be open to the respondent, to issue a show cause notice to the petitioner, disclosing the necessary details and giving an opportunity to the petitioner, to explain its stand. There shall be no order as to costs.

05.03.2007

JSU